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Attorney for Plaintiff, Pro Hac Vice, (Pending)

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

JAMIE M. PIERCE FORD GILREATH-
JOHNSON,

Plaintiff,

vs.

GUARDIAN ANGEL, LLC AND, COREY
POTTER, IN PERSONAM; THE F/V
GUARDIAN ANGEL, OFFICIAL NUMBER
946138, HER ENGINES, MACHINERY,
APPURTENANCES AND CARGO, IN REM,

Defendant.

Case No. 3:24-cv-00101-JMK

AT LAW AND AT ADMIRALTY

**SEAMAN'S COMPLAINT IN REM AND
IN PERSONAM FOR PERSONAL
INJURIES, WAGES, CLAIM FOR
MAINTENANCE AND CURE – ALL
WITHOUT PAYMENT OF COSTS, 28
U.S.C. § 1916**

COMES NOW the plaintiff and complains of the defendants alleging upon information
and belief as follows:

SEAMAN'S COMPLAINT IN REM AND IN PERSONAM FOR
PERSONAL INJURIES, WAGES, CLAIM FOR MAINTENANCE AND
CURE – ALL WITHOUT PAYMENT OF COSTS, 28 U.S.C. § 1916 - 1
CASE NO.

JOHN W. MERRIAM
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1 1. Plaintiff, Jamie M. Pierce Ford Gilreath-Johnson, brings and maintains this action
2 pursuant to 28 U.S.C. § 1333; 46 U.S.C. §§ 2114, 30103, 30104 – the Jones Act; U.S. Const.
3 Art. III, sec. 2, and the general maritime law.

4 2. Plaintiff is a resident of Kodiak, Alaska. The in personam defendants have a
5 principal place of business in Kodiak, District of Alaska.

6 3. Plaintiff is a seaman and a ward of this Court and elects to take advantage of the
7 provisions of 28 U.S.C. § 1916 to proceed without prepayment of costs or fees.

8 4. Defendant herein, Guardian Angel, LLC is a corporation existing under and by
9 virtue of the laws of a state or states unknown to plaintiff and at all times herein mentioned was
10 acting by and through its officers, agents, servants, employees and representatives, and has a
11 principal place of business or is doing business in the District of Alaska.

12 5. Defendant herein, Corey Potter, is an individual residing and doing business in the
13 District of Alaska.

14 6. The F/V Guardian Angel is a fishing vessel documented by the United States,
15 official number 946138. Said vessel has her home port in the District of Alaska or will be found
16 in the District of Alaska during the pendency of this action. During all times herein mentioned
17 said vessel was owned or bareboat chartered by the defendants and was engaged in maritime
18 commerce.

19 7. At all times herein mentioned, plaintiff was employed by the defendants as a
20 member of the crew, in the service of said vessel and was at all times acting within the course
21 and scope of her duties as deckhand in furtherance of the mission of said vessel.

22 8. On or about July 28, 2022, while said vessel was in navigable waters, plaintiff
23 was exposed to diesel fumes from a cracked and leaking injector in the engine head and was

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1 thereby sickened. Plaintiff prays leave to amend this complaint when the full extent of injuries
2 and disabilities is ascertained.

3 9 Said injuries, disabilities, and damages were directly and proximately caused by
4 the unseaworthiness of the vessel; the negligence, in whole or in part, of the defendants and their
5 agents, servants and employees; and the failure of the defendants to provide a reasonably safe
6 place to work, in one or more of the following respects: poorly maintained and defective engine.

7 10. As a direct and proximate result of the foregoing, plaintiff was caused to and did
8 incur reasonable charges for medical care and attention. Plaintiff does not know the reasonable
9 value of said medical care and attention already rendered or to be rendered in the future and
10 therefore, prays leave to amend this complaint to show the same.

11 11. As a further result of the foregoing, plaintiff was rendered unable to engage in her
12 normal and usual occupation for a period of time. Plaintiff may later be unable to engage in her
13 normal and usual occupation, and prays leave to amend this complaint to allege the full extent of
14 said loss when the same is ascertained.

15 12. Plaintiff demands maintenance from the defendants in a per diem amount to
16 recuperate on land with room and board at least equal to that received on defendant's vessel,
17 until the plaintiff reaches maximum cure or until the plaintiff is declared fit for duty, whichever
18 last occurs. Plaintiff further demands the actual cost of cure until the plaintiff fully cured, and if
19 never cured, plaintiff demands the cost of cure for the remainder of plaintiff's natural life.

20 13. Maintenance and cure has been demanded and not timely paid. The failure to pay
21 maintenance and cure has caused additional damages to the plaintiff whether or not the failure to
22 pay was reasonable under the circumstances. Plaintiff is entitled to compensatory damages –
23 including contingent attorney fees – for the negligent failure to pay maintenance and cure.

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1 Plaintiff is entitled to reasonable attorney fees for the arbitrary and capricious failure to pay
2 maintenance and cure. Plaintiff is entitled to punitive damages for the willful and wanton failure
3 to pay maintenance and cure.

4 14. Plaintiff is entitled to unearned wages (including bonuses and overtime) for the
5 contemplated duration of her employment. Said wages have been demanded and denied.
6 Plaintiff is entitled to double wages under state law and punitive damages under federal law.

7 15. Plaintiff was shorted on her earned wages in the approximate amount of \$2,000 while
8 working aboard the F/V Gambler from July 27 to August 4, 2022. Earned wages have been
9 demanded and denied. Plaintiff is entitled to double wages under state law and punitive damages
10 under federal law.

11
12 WHEREFORE, plaintiff prays judgment against the defendants as follows:

13 1. For a declaration that the plaintiff holds claim to a preferred maritime lien against
14 the defendant vessel, her engines, machinery, appurtenances and cargo;

15 2. For arrest, condemnation and sale of the defendant vessel including her engines,
16 machinery, appurtenances and cargo;

17 3. For general damages, including damages for loss of consortium, as are reasonable
18 and fair;

19 4. For such special damages, including found, as may be shown by the proofs
20 herein;

21 5. For maintenance and cure, and for consequential and punitive damages for failure
22 to pay same;

23 6. For earned and unearned wages and double wage penalties;

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1 7. For pre-judgment interest on all claims as is in the law provided;
2 8. For costs of suit and reasonable attorney fees;
3 9. For such other and further relief, including punitive damages, as is met and just in
4 the circumstances.

5
6 Dated this 21st day of March 2024.

7 LAW OFFICE OF BRANDON C. MARX

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15 AK Bar No. 0309039
16 Attorney for Plaintiff

17 LAW OFFICE OF JOHN MERRIAM

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 Attorney for Plaintiff, Pro Hac Vice, (Pending)

24 I am one of the attorney for the plaintiff in this action and have knowledge of the matters
25 asserted in the above complaint based upon information provided by the plaintiff.

26 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the allegations of the
27 above complaint are true and correct to the best of my knowledge and belief.

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1 DATED at Seattle, Washington this 21st day of March 2024.

2 *s/s John Merriam*

3 John Merriam

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**SEAMAN'S COMPLAINT IN REM AND IN PERSONAM FOR
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